

## REMARKS

### INTRODUCTION

In accordance with the following, reconsideration of the allowability of the pending claims is respectfully requested.

Claims 1-23 are pending and under consideration, with claims 3-6 and 14-16 having been allowed.

### REQUEST FOR WITHDRAWAL OF FINALITY

As noted below, it is respectfully submitted that the Office Action interpretation of claim terms was improper and unsupported by the disclosure of the present specification. In addition, it is respectfully submitted that the outstanding §112 and §102 rejections, based on the same misunderstanding of the claim terms and the embodiments of the present invention, are also improper.

Accordingly, based on the below, it is respectfully requested that the finality of the outstanding Office Action be withdrawn.

### REJECTION UNDER 35 USC 112

Claims 1, 7-13, and 17-23 stand rejected under 35 USC § 112, first paragraph. This rejection is respectfully traversed.

As a general proposition, claim limitations are to be interpreted in light of its broadest reasonable interpretation. In re Prater, 162 USPQ 541, 550-51 (CCPA 1969), cited with approval, In re Morris, 44 USPQ2d 1023, 1028 (Fed. Cir. 1997). Further, the claims should be interpreted in light of their plain meaning as understood by one of ordinary skill in the art. In re Zletz, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989), citing, In re Prater.

However, the broadest reasonable interpretation must also conform to the broadest reasonable interpretation afforded by one of ordinary skill in the art when read in light of the specification. In re Prater, 162 USPQ 541, 550-51, In re Morris, 44 USPQ2d at 1027, MPEP 2111.01 (7<sup>th</sup> Ed., rev. 1)(Feb. 2000).

The outstanding Office Action has set forth that the recited "wherein said space adjusting plate is provided with a plurality of differently slanted guides formed to individually adjust the

pitches of the vacuum adsorbers" does not conform with the specification on page 8, lines 13-20, because, based on this portion of the specification, "it appears that the slanted guides are all the same and that the pitches simultaneously adjust not individually [adjust] as claimed."

The Office Action thereafter set forth that "[f]or examination purposes, the examiner is taking the position that all pitches simultaneously [are] adjusted and that all the guides are slanted the same way."

Thus, though applicants previously amended independent claims to particularly claim the differently slanted guides and the individual adjusting of pitches, and particularly set forth the same interpretation (with remarks based on the same) in the previous response, the Examiner has "taken the position [for reviewing the claims] that all pitches simultaneously [are] adjusted and that all guides are slanted the same way."

The specification, on page 8, lines 13-16, sets forth: "[t]he space adjusting plate 55 functions to simultaneously adjust all the pitches of the vacuum adsorbers 53. A plurality of guide slots 55a are slantingly formed through the space adjusting plate 55 to receive a plurality of guide projections 53a protruded from the upper portions of the vacuum adsorbers 53."

Lines 16-24 proceed to reference FIGS. 6 and 7 showing how the differently slanted guide slots 55a operate to narrow the pitches of the adsorbers 53 when the space adjusting plate 55 is lifted, and how the differently slanted guide slots 55a operate to widen the pitch of the adsorbers 53 when the space adjusting plate 55 is lowered.

Guide slots 55a in both FIGS. 6 or 7 are illustrated as being slanted and to be slanted differently. This different slanting is what permits the narrowing and widening of the pitch between adsorbers 53.

The Examiner may be misunderstanding the term pitch. Here, as detailed in the specification, the pitch between adsorbers is a term referencing how close in proximity or how far in proximity each adsorber is to the other adsorbers.

Thus, with the differing slanted guide slots 55a, as the space adjusting plate 55 is raised, the pitch between adsorbers is narrowed, i.e., the adsorbers become closer together. Similarly, as the space adjusting plate 55 is lowered, the pitch between adsorbers is widened, i.e., the adsorbers become farther apart.

**Thus, though the space adjusting plate 55 may simultaneously adjust all the**

**pitches, not all the pitches are adjusted the same. Further, FIGS. 6 and 7 clearly show the guide slots 55a having different slants.**

Thus, the claimed space adjusting plate being provided with "a plurality of differently slanted guides formed to individually adjust the pitches of the vacuum adsorbers" is clearly supported by the specification.

In addition, as noted above, **any interpretation of the claim terms must be reasonable and must take in consideration the disclosure of the specification.**

Conversely, the Office Action has taken a completely opposite interpretation of the claimed space adjusting plate being provided with a plurality of differently slanted guides formed to individually adjust the pitches of the vacuum adsorbers, i.e., the Office Action has chosen to ignore the specifically claimed "differently slanted" and "individually adjust" limitations.

As noted above, these claim terms conform with the specification disclosure cited in the Office Action and similarly conform with the disclosure of FIGS. 6 and 7.

Taking an opposite interpretation of the claims, completely contrary to specifically claimed term, is unreasonable. In addition, such an interpretation is not supported by the disclosure of the present specification, i.e., it is the Office Action's interpretation of the claim terms that are not supported by the specification.

Such an interpretation is similarly unreasonable when the applicants had particularly argued this distinguishing feature in the last response.

Applicants particularly defined the independent claims to have the particular differently slanted guides to individually adjust the pitches of the vacuum adsorbers. See page 10 of the June 10, 2005 Amendment.

**Such applicant defined interpretation must be taken into consideration.**

See *Honeywell Inc. v. Victor Co. of Japan Ltd.*, 63 USPQ2d 1904 (CA FC 2002) "The district court erred in not according more weight to the inventor's definition. It is well settled that a patentee may define a claim term either in the written description of the patent or, as in the present case, in the prosecution history. *Mycogen Plant Science v. Monsanto Co.*, 243 F.3d 1316, 1327, 58 USPQ2d 1030, 1039 (Fed. Cir. 2001). Frequently, a definition offered during prosecution is made in response to a rejection, and is entered in conjunction with a narrowing amendment. See,

e.g., Southwall Techs., Inc. v. Cardinal IG Co., 54 F.3d 1570, 1576, 34 USPQ2d 1673, 1677 (Fed. Cir. 1995). Such a definition limits the scope of the claim, preventing the patentee from later recapturing what was previously surrendered. Although the inventor's definition does not have a narrowing effect, it is nonetheless relevant in indicating the meaning that the inventor ascribed to the term. See Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576, 1582, 39 USPQ2d 1573, 1577 (Fed. Cir. 1996).

Lastly, if the Examiner believes that the claim term is not supported by the specification, the Examiner cannot take an unreasonable interpretation of the claims, in view of such overwhelming evidence of the intended meaning of the claim term. In such a case, only the §112 rejection would be proper and the Examiner should require correction of the same before further substantive patentability review of the claims is instituted.

The Examiner cannot take an interpretation merely to make a §102 or §103 rejection easier.

Accordingly, the claimed "wherein said space adjusting plate is provided with a plurality of differently slanted guides formed to individually adjust the pitches of the vacuum adsorbers" is supported by the present specification and the opposite interpretation proposed by the Examiner is improper and inconsistent with the disclosure of the present application.

#### REJECTIONS UNDER 35 USC 102

Claims 1, 7-13, and 17-23 stand rejected under 35 USC § 102(e) as being anticipated by Kress, U.S. Patent No. 6,439,631. This rejection is respectfully traversed.

As noted above, the claimed plurality of guides individually adjust the pitches of the vacuum adsorbers, with the vacuum adsorbers each interacting with a respective one of the guide slots.

As noted in the outstanding Office Action Kress performs operates in a completely different manner, with the Office Action defining any interpreted guides of Kress as simultaneously adjust pitches of adsorbers with all guides being "slanted the same way."

Further, neither of the previously interpreted "guide slots" 15 and 16 of Kress are differentially slanted guides to control the pitch.

Further, as also defined in the Office Action, neither of the interpreted "guide slots" 15 and 16 individually control the pitch.

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Rather, because of the particular scissor arrangement in Kress, it is necessary to have at least 4 different beams 15 or 16. Thus Kress does not disclose differentially slanted guides to individually control the pitch.

Therefore, it is respectfully requested that this rejection of claims 1-2, 7-13, and 17-23 be withdrawn and claims 1-2, 7-13, and 17-23 be allowed.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

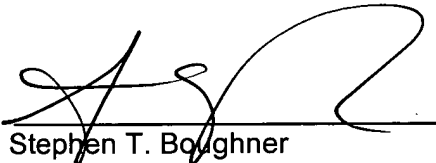
Respectfully submitted,

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Date: \_\_\_\_\_

12/2/05

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